

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION**

**JEFFREY JOEL HORRELL,**

**Plaintiff,**

**v.**

**Case No: 5:23-cv-308-TJC-PRL**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

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**ORDER**

Plaintiff, Jeffrey Joel Horrell, proceeding *pro se* filed this action against the Commissioner of Social Security (the “Commissioner”), to “review [his] case for Social Security Income.” (Doc. 1 at 5). Plaintiff seeks to proceed *in forma pauperis*. (Doc. 2). For the reasons explained below, Plaintiff’s motion to proceed *in forma pauperis* will be taken under advisement, and, in an abundance of caution, Plaintiff will be given an opportunity to amend his complaint.

**I. LEGAL STANDARDS**

An individual may be allowed to proceed *in forma pauperis* if he declares in an affidavit that he is unable to pay such fees or give security therefor. 28 U.S.C. § 1915(a)(1). However, before a plaintiff is permitted to proceed in forma pauperis, the Court is obligated to review the complaint to determine whether it “is frivolous, malicious, fails to state a claim upon which relief may be granted[,] or ... seeks monetary relief against a defendant who is immune from such relief.” *Id.* § 1915(e)(2). If the complaint is deficient, the Court is required to dismiss the suit *sua sponte*. *Id.*

## II. DISCUSSION

Using the standard form complaint, Plaintiff only alleges that “I am for court review of my case for Social Security Income.” (Doc. 1 at 5). While the pleading standards for appeals to the commissioner’s decisions have decreased since December 1, 2022, Plaintiff’s Complaint is insufficient. Fed. R. Civ. P. Supp. Soc. Sec. 2. For example, there is no indication what federal statute the action is brought under, the plaintiff’s county of residence, whether there was a final decision from the Commissioner, nor identification of the Commissioner’s final decision, if any. *Id.* Hence, there are insufficient allegations in the Complaint to state a cognizable claim for review of the Commissioner’s decision.

## III. CONCLUSION

Accordingly, Plaintiff’s motion to proceed *in forma pauperis* (Doc. 2) is **TAKEN UNDER ADVISEMENT**, and Plaintiff shall have until **June 30, 2023**, to file an amended complaint. The amended complaint must comply with all pleading requirements contained in Rule 2 of the Federal Rules of Civil Procedure Supplemental Rules for Social Security, as well as those contained in the Local Rules of the Middle District of Florida. Failure to comply with this Order may result in a recommendation that this action be dismissed for failure to prosecute pursuant to Local Rule 3.10.

Further, Plaintiff is cautioned that despite proceeding *pro se*, he is required to comply with this Court’s Local Rules, the Federal Rules of Civil Procedure, and the Federal Rules of Evidence. Plaintiff may obtain a copy of the Local Rules from the Court’s website (<http://www.flmd.uscourts.gov>) or by visiting the Office of the Clerk of Court. Also, resources and information related to proceeding in court without a lawyer, including a

handbook entitled Guide for Proceeding Without a Lawyer, can be located on the Court's website ([http://www.flmd.uscourts.gov/pro\\_se/default.htm](http://www.flmd.uscourts.gov/pro_se/default.htm)). Plaintiff should also consult the Middle District of Florida's Discovery Handbook for a general discussion of this District's discovery practices (see <http://www.flmd.uscourts.gov/civil-discoveryhandbook>).

**DONE** and **ORDERED** in Ocala, Florida on June 2, 2023.



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PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties